

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
SOUTHERN DIVISION**

**SUNQUEST PROPERTIES, INC. and
CARRIAGE HOUSE APARTMENTS PARTNERSHIP
PLAINTIFFS**

VS

CIVIL ACTION NO. 1:08-CV-687-LTS-RHW

**NATIONWIDE PROPERTY AND CASUALTY
INSURANCE COMPANY; NATIONWIDE MUTUAL
INSURANCE COMPANY; NATIONWIDE MUTUAL
FIRE INSURANCE COMPANY; and
JOHN DOES 1-5
DEFENDANTS**

**MOTION FOR LEAVE OF COURT TO FILE
SURREBUTTAL IN OPPOSITION TO NATIONWIDE'S MOTION
TO STRIKE LEWIS O'LEARY AS PLAINTIFFS' LITIGATION EXPERT**

NOW INTO COURT, through undersigned counsel, come Insureds, Sunquest Properties, Inc. and Carriage House Apartments Partnership, which respectfully move this Court for leave of court to file the attached Surrebuttal in Opposition to Motion to Strike Lewis O'Leary for the following reasons:

1. In its January 22, 2010 Rebuttal in Support of Motion to Strike Lewis O'Leary as Plaintiffs' Litigation Expert, defendant Nationwide Property and Casualty Insurance Company presented new evidence in the form of deposition testimony from depositions taken in a different matter.

2. Further, Nationwide continued its affinity for accusing Insureds of lying, which should be addressed.

3. This Motion for Leave is made in good faith and not for the purposes of delay or harassment. It is made to address the above-noted points.

4. The granting of this Motion will not prejudice Nationwide because it does not raise new arguments but only addresses new information filed by Nationwide.

WHEREFORE, Insureds, Sunquest Properties, Inc. and Carriage House Apartments Partnership respectfully pray that this Motion for Leave to File Surrebuttal in Opposition to Nationwide's Motion to Strike Lewis O'Leary as Plaintiffs' Litigation Expert, attached hereto as Exhibit "A."

Respectfully submitted,

/s/ Nathan M. Gaudet

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& Carriage House Apartments Partnership**

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing pleading has this date been electronically filed using the CM/EFC service which will notify counsel of record via electronic mail of this filing.

New Orleans, Louisiana, this 28th day of January, 2010.

/s/ Nathan M. Gaudet

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